

REMARKS

The Office Action mailed on July 2, 2007 has been reviewed, along with the art cited. Claims 1, 2, 4, 5, 7-9, 11-47 and 49-70 are pending in this application.

Rejections Under 35 U.S.C. § 102

Claims 36-47 were rejected under 35 USC § 102(e) as being anticipated by Nikolich (U.S. Patent No. 6,853,680).

Independent claim 36 is as follows:

36. (Original) A remote circuit comprising:

a remote shelf enclosure having a plurality of remote unit slots, a protection remote unit slot, a protecting switching controller slot and a power supply module slot;

a remote unit card having a remote unit removably coupled in each remote unit slot;

a protection remote unit card having a protection remote unit removably coupled in the protection remote unit slot;

a protection switching controller card having a protection switching controller removably coupled in the protecting switching controller slot; and

a power supply module card having a power supply module removably coupled in the power supply module card slot.

The Applicant respectfully traverses the rejection of claim 36 under section 120. The Nikolich reference does not teach every aspect of claim 36. For example, the Nikolich reference does not teach “a protection remote unit card having a protection remote unit removably coupled in the protection remote unit slot,” as is claimed in Claim 36 of the present application. The Nikolich reference relates to a method of routing data around faulty transmission connections with the use of another application module so that the data can be received at the designated application module. See column 5, line 65 through column 6 line 10. This would not require a “protection remote unit” or

“protection remote unit slot,” as is claimed in claim 36 of the present invention. Hence, the rejection of claim 36 under section 102 is improper.

Therefore, the Applicant respectfully requests the withdrawal of the rejection of claim 36 under section 102. In addition, since dependant claims 37-46 depend from and further define patentably distinct independent claim 36, the Applicant respectfully requests the withdrawal of there rejections. Since, the Applicant believes these dependant claims are allowable for at least the above reason, further response to all rejections have not been put forth in this response. The Applicant, however, retains the right to address said rejection if a further response is filed.

Allowable Subject Matter

Applicant acknowledges and thanks the Examiner for the indication that Claims 1, 2, 4, 5, 7-9, 11-47 and 49-70 were allowed.

Serial No.: 09/990,023

Filing Date: 11/21/2001

Attorney Docket No. 100.349US01

Title: PROTECTION SWITCHING MECHANISM

CONCLUSION

Applicant respectfully submits that claims **1, 2, 4, 5, 7-9, 11-47 and 49-70** are in condition for allowance and notification to that effect is earnestly requested. If necessary, please charge any additional fees or credit overpayments to Deposit Account No. 502432.

If the Examiner has any questions or concerns regarding this application, please contact the undersigned at the telephone number listed below.

Respectfully submitted,

Date: September 20, 2007

/Scott V. Lundberg/
Scott V. Lundberg
Reg. No. 41958

Attorneys for Applicant
Fogg & Powers LLC
P.O. Box 581339
Minneapolis, MN 55458-1339
T – (612) 332-4720
F – (612) 332-4731